

AMENDED IN ASSEMBLY APRIL 8, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1022

Introduced by Assembly Member Oropeza

February 20, 2003

An act to amend Section 21455.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1022, as amended, Oropeza. Vehicles: automated enforcement systems.

Existing law authorizes the limit line, intersection, or other places where a driver is required to stop to be equipped with an automated enforcement system, as defined, if the system meets certain requirements. Existing law limits the authority to operate an automated enforcement system to governmental agencies, in cooperation with law enforcement agencies.

This bill would define the term “operate” for purposes of these provisions and would prohibit a contract between a governmental ~~entity~~ agency and a manufacturer or supplier of automated enforcement equipment from including provision for the payment or compensation to the manufacturer or supplier based on the number of citations ~~issued~~ generated, or as a percentage of the revenue generated, as a result of the use of the equipment as authorized under these provisions.

The bill would authorize the governmental agency to contract out the operation, as defined, of the system under certain circumstances, except for certain activities that the bill would prohibit from being contracted

out to the manufacturer or supplier of the automated enforcement system.

The bill would specify that these provisions do not apply to a contract that was entered into by a governmental agency and a manufacturer or supplier of automated enforcement equipment before January 1, 2004, unless that contract is renewed, extended, or amended on or after January 1, 2004.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21455.5 of the Vehicle Code is amended
2 to read:

3 21455.5. (a) The limit line, the intersection, or a place
4 designated in Section 21455, where a driver is required to stop,
5 may be equipped with an automated enforcement system if the
6 governmental ~~entity~~ agency utilizing the system meets all of the
7 following requirements:

8 (1) Identifies the system by signs that clearly indicate the
9 system's presence and are visible to traffic approaching from all
10 directions, or posts signs at all major entrances to the city,
11 including, at a minimum, freeways, bridges, and state highway
12 routes.

13 (2) If it locates the system at an intersection, *ensures that* the
14 system meets the criteria specified in Section 21455.7.

15 (3) Prior to installation *at an intersection*, considers and
16 evaluates alternative traffic safety strategies for their practicality
17 or likelihood to improve safety, or both, including, but not limited
18 to, all of the following:

19 (A) The use of traditional traffic enforcement measures.

20 (B) Improvement of the physical environment at the proposed
21 location, including, but not limited to, improved signal placement.

22 (C) Changes in the operating parameters of the proposed
23 location and its equipment, including, but not limited to, the use
24 of an all-red signal display.

25 (4) *Ensures that its guidelines for selection of location include*
26 *a requirement that there be a demonstrated traffic safety need for*
27 *installation of the system that is based on vehicle accident rates.*



(b) Prior to issuing citations under this section, a local jurisdiction utilizing an automated traffic enforcement system shall commence a program to issue only warning notices for 30 days. The local jurisdiction shall also make a public announcement of the automated traffic enforcement system at least 30 days prior to the commencement of the enforcement program.

(c) Only a governmental agency, in cooperation with a law enforcement agency, may operate an automated enforcement system. As used in this subdivision, “operate” includes all of the following activities:

(1) Developing uniform guidelines for screening and issuing violations and for the processing and storage of confidential information, and establishing procedures to ensure compliance with those guidelines.

(2) Performing administrative functions, including, but not limited to, all of the following:

(A) Establishing guidelines for selection of location.

(B) Ensuring that the equipment is regularly inspected.

(C) Certifying that the equipment is properly installed and calibrated, and is operating properly.

(D) Regularly inspecting and maintaining warning signs placed under paragraph (1) of subdivisions (a).

(E) Overseeing the establishment or change of signal phases and the timing thereof.

(F) Maintaining controls necessary to assure that only those citations that have been reviewed and approved by law enforcement are delivered to violators.

(d) *The activities listed in subdivision (c) may be contracted out by the governmental agency, if it maintains overall control and supervision of the system. However, the activities listed in paragraph (1) of, and subparagraphs (A), (D), (E), and (F) of paragraph (2) of, subdivision (c) may not be contracted out to the manufacturer or supplier of the automated enforcement system.*

(e) (1) Notwithstanding Section 6253 of the Government Code, or any other provision of law, photographic records made by an automated enforcement system shall be confidential, and shall be made available only to governmental agencies and law enforcement agencies and only for the purposes of this article.

(2) Confidential information obtained from the Department of Motor Vehicles for the administration or enforcement of this

1 article shall be held confidential, and may not be used for any other
2 purpose.

3 (3) Notwithstanding Section 34090 of the Government Code or
4 any other provision of law, the confidential records and
5 information described in paragraphs (1) and (2) may not be
6 retained for a period longer than six months from the date the
7 information was first obtained, or until final disposition of the
8 citation, whichever date is later, after which time the information
9 shall be destroyed in a manner that will preserve the confidentiality
10 of any person included in the record or information.

11 ~~(e)~~—

12 (f) Notwithstanding subdivision ~~(d)~~ (e), the registered owner or
13 any individual identified by the registered owner as the driver of
14 the vehicle at the time of the alleged violation shall be permitted
15 to review the photographic evidence of the alleged violation.

16 ~~(f)~~—

17 (g) A contract between a governmental ~~entity~~ agency and a
18 manufacturer or supplier of automated enforcement equipment
19 may not include provision for the payment or compensation to the
20 manufacturer or supplier based on the number of citations ~~issued~~
21 *generated, or as a percentage of the revenue generated*, as a result
22 of the use of the equipment authorized under this section.

23 (h) *This section does not apply to a contract that was entered*
24 *into by a governmental agency and a manufacturer or supplier of*
25 *automated enforcement equipment before January 1, 2004, unless*
26 *that contract is renewed, extended, or amended on or after January*
27 *1, 2004.*

